

Rocky Mountain

Administrative History



CHAPTER III: THE EARLY YEARS AND THE TRANSPORTATION CONTROVERSY

In 1915 few people were prepared by experience to administer a national park, so it became necessary to employ men from various walks of life to form the initial staff at Rocky Mountain Park. The first person to be placed in charge of the Park was C. R. Trowbridge, a native of New York who had distinguished himself primarily as a military man. He had fought the Philippine insurrection and at its close was named chief of the secret service of the city of Manila. He held this position until his appointment in 1913 as field representative for the Secretary of the Interior. In this capacity he was sent in 1915 to organize the administration of Rocky Mountain National Park. He was given the title "acting supervisor," and told to "run" the Park on a budget of \$10,000 a year. Perhaps it is not surprising that initially he and the local townspeople viewed one another with mutual apprehension. [1]

The first ranger at the Park was R. T. ("Dixie") MacCracken, a twenty-two-year-old structural engineer from Washington, D. C. He reported on the job a month before the Park was officially dedicated in September 1915. [2] Subsequently, he was joined by two fellow rangers, Frank R. Koenig and Reed A. Higby. The employment of these two men completed the roster of the Park's first administrative staff.

The ranger's salary was \$900 a year, or roughly \$2.50 a day. Out of this sum, MacCracken not only supported himself but also two horses and a Ford car. He recalled that part of his job was to "guide Washington big shots" around the Park. On these junkets he paid his own expenses which, when he entertained at Grand Lake, amounted to \$3.50 a day, or \$1 more than his daily salary. [3] "You're not supposed to worry about the money," he was told. "You do this for the love of your country." [4] Once when the Park office was moved, MacCracken hauled papers and furniture in his own automobile, again at his expense.

MacCracken recalled that the ranger stations at that time were inherited from the Forest Service and "were the most gosh awful places." Only after blizzards completely covered them with snow were they warm and comfortable inside. He always left his station at Mill Creek unlocked so that weary travelers could find a respite there. When he returned from field trips he often found money on the table, left by honest travelers who had used some coffee or food in his absence. [5]

In 1916, after Trowbridge had completed his assignment of organizing administration at the

Park, he was replaced by L. C. Way, a former Army captain and forest ranger. Way had served as a forest ranger at Oracle in Arizona, and then at Grand Canyon. His position at Rocky Mountain was first called chief ranger in charge, but was later changed to superintendent. He was said to have had military ideas about operating a national park. One early park ranger remembered that Way was sometimes arrogant and often "tough on his men," that is, his fellow rangers. Frequently, also, Way did not inform townspeople of Park policy because the "policy" itself was rather indefinite. [6] About the only guidelines that he had to follow were embodied in the text of the law of August 25, 1916, which established the National Park Service. According to this law, the Park Service's purpose in administering certain areas was

to conserve the scenery, the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. [7]

National parks therefore were to be operated for two reasons, which were basically contradictory, for administrators were to "conserve the scenery" and promote the public enjoyment of it at the same time. Endeavoring to carry out these injunctions naturally created problems. Some of Superintendent Way's problems, however, resulted from his own administrative innocence. A pioneer attempt at public relations cost him the allegiance of his number one ranger.

Way believed the Park needed special publicity to attract visitors. So, in cooperation with a leading Denver newspaper, he created the "Modern Eve." He employed a pretty girl to dress in a leopard skin and roam through the Park, skipping about and catching fish with her hands and picking berries. Way ordered Park Ranger MacCracken to meet "Eve" at regular intervals and hand over her street clothes. She then changed clothing and rode with MacCracken to one of the local inns where she spent a few days in relaxation. At the end of that time, MacCracken would supply her with a dry-cleaned leopard skin, and she would spend another few days in the wilds stalking fish and picking berries. MacCracken soon had a serious argument with Way over the propriety of such an advertising venture. So when Gifford Pinchot of the Forest Service offered MacCracken a job in France scaling timber for the Army he accepted it. [8]

The first major controversy to involve the administrators of Rocky Mountain National Park concerned the control of commercial transportation within the Park's boundaries. In the spring of 1919 the National Park Service awarded an exclusive franchise to Roe Emery's Rocky Mountain Parks' Transportation Company to carry passengers in the Park for profit. The transportation company agreed to comply with Park Service requirements of scheduling, rates and safety features. In keeping with its established concession policy, the Park Service neither held public hearings nor accepted competitive bids. [9] The public was informed of the monopoly only after it had been granted, even though endorsements of the transportation company had been secured to satisfy official requirements. Many independent rent-car or "jitney" drivers were put out of business by this Park Service policy.

Opposition to this "secret deal" [10] developed almost immediately from a minority [11] of the Estes Park hotel owners, notably Clement Yore, F. O. Stanley, and Enos Mills. These men had thought that once the National Park was created, it would be run by the business leaders of Estes Park village. The idea that "their Park" could be regulated by Washington bureaucrats from desks 2,000 miles away was at first inconceivable. To Mills and his group the Park was something local. It belonged to them first and to the nation second. In fact, they had originally wanted it named "Estes National Park." When its destiny began to be shaped by people unseen and unknown they were disillusioned and angry.

Still, when the concession policy went into effect on June 10, 1919, it seemed to find popular acceptance. Way noted that

while there has been some little dissatisfaction on the part of certain parties, who wish to operate for profit within the National Park, generally speaking, the people appear to be satisfied with conditions, and endorse the concession policy. [12]

The few written complaints against the transportation franchise came almost wholly from Enos Mills. He believed that both in frequency and in price of service the transportation company discriminated against his guests at the Longs Peak Inn. [13] This complaint can be evaluated in light of the fact that none of the other three hotel owners in the Longs Peak section made a similar objection. Each in fact stated he was receiving better service from the transportation company than he had ever been given by jitney drivers in the past. [14]

Seemingly a satisfactory compromise could have been reached if Mills had been content to limit his energies to writing complaints. He was an activist, however, a man who liked a good fight. And apparently in his mind this was a good time to start one, so he defied the monopoly. On August 14, 1919, Way warned Mills by telephone that his automobile had been seen in the Park carrying passengers. Mills freely admitted the infraction and stated that he was going to manufacture a test case to determine whether the concession could be enforced. [15] Pursuing this plan, Mills telephoned Way on the morning of August 16 to tell him that his rent-car was leaving on a trip over the Highdrive and Fall River roads. He then asked Way to take appropriate action. [16]

Way personally drove to the first switchback on Fall River Road near Chasm Falls and there intercepted the Mills' car. At the wheel was Ed Catlett, a regular driver for Mills. The passengers were Mrs. W. H. Knight, a Miss Knight, and Lieutenant C. B. Ritchie, all of Hinsdale, Illinois. Way ordered the car from the Park, after telling the driver that he could not return without written permission from the Director of the National Park Service in Washington. He later explained the situation to Mills, who appeared undecided about his next move. [17]

In a letter to the Park Service Director, Way militantly suggested that

it is highly desirable that we push this case against Mr. Mills driving in the Park, to the limit, for it has been rumored in the Village by other jitney

drivers that we are favoring Mr. Mills and permitting him to violate the regulations, when we will not permit others to do so. Mr. Mills seemed satisfied for us to prosecute the case. So far as I could judge, he was perfectly friendly with me in this matter. [18]

Assistant Director of the National Park Service Arno B. Crammerer was quick to answer the Superintendent. Obviously speaking for the Director, he cautioned Way against being too abrupt in his handling of the matter. He told Way to continue ejecting violators, but under no circumstances was he to arrest anyone or even to secure a warrant for anyone's arrest. Cammerer warned that, "it would be decidedly dangerous to let the case get into court at present time. . . ." [19]

Way, in a lengthy letter to Mills, explained the Park's position on the franchise. His remarks were both clear and comprehensive.

Our object is to give adequate service, at reasonable charges to the people, also to the Transportation Company, which furnishes such service under contract. In fixing the charges, you must take into consideration the fact that we compel this Company to operate, regardless of weather conditions or volume of business.

There are exceptional cases where it would result in inconvenience to the traveling public to be compelled to use Transportation Company machines. As these cases are brought to our attention, we devise means to overcome the same by issuing special permits, or by other readjustments. To safeguard the public against excessive charges, and to insure adequate services, permits are issued to reliable parties only. One readjustment that we have made is to place no restriction upon hotel owners hauling their guests to and from their hotels in the Park, where they desire to do so. Since we have placed no restrictions upon the Long's Peak Road, any hotel keeper within the National Park may carry passengers to and from the Long's Peak region; also, any person outside of the boundaries may give this service without hindrance from the National Park Service. If the Transportation Company's service is not adequate between your hotel and other hotels within the National Park, you will be given permission to render such service, making a charge for the same. No permission is necessary within the National Park for any trip that is not made for profit.

As to prices, Way explained,

their fairness is vouched for by disinterested rent car owners. We will be better able to judge whether or not these prices are reasonable after the first year's business, and if unreasonable, we will adjust them.

As added assurance to Mills, Way concluded, "we are very anxious that the people travel

from one hotel to another, and will do all in our power to encourage this practice." [20]

Apparently this lengthy exposition did little to mollify Mills, for within the week, the situation had grown worse. On August 25 Way telegraphed to Assistant Director Cammerer,

Mills Attorney called yesterday about forcing case. His car reported in Park on Highdrive. Other jitneys following his example. Ejecting when found, by us. Situation acute. [21]

While Mills was indeed "forcing the case," he found the Park Service to be a reluctant adversary. Cammerer remained convinced that a court suit at that time would be acutely embarrassing due to the dubious legal status of the Park's roads. Under the transportation franchise, Emery's company had an exclusive monopoly on roads controlled by the Park Service. As yet the State of Colorado had not ceded its jurisdiction over those roads to the Park Service. Therefore almost any compromise short of dissolving the franchise was preferable to court action. If Mills could not be won over, perhaps he could be quieted, at least until jurisdiction of the roads was ceded. Cammerer assured Way,

What Service hopes is to keep these matters quiet, until complete jurisdiction over both Park and roads has been granted by State, and if you hold Mills over present season, we can push this matter to conclusion before next. [22]

Way then tried to act as mediator between the transportation company and Mills. He met with little, if any, success. The attorneys of the transportation company, E. O. Brown and E. A. Holmes, flatly refused to compromise with Mills. They told Way that this "was as good a time as any to fight out this case and find out where they stand." In their opinion, no concessions would be made because Mills "could not be satisfied." [23]

On the evening of August 27 Way again contacted Mills, "but without any success whatsoever." Way submitted a plan to Mills whereby independent jitney drivers would be permitted to use the state and county roads within the Park if they could furnish a bond to give adequate service, regardless of weather conditions or volume of travel. In this plan, the Park Service would fix the maximum charge for the service and permit competition below that price. Unmoved by this attempt at conciliation, Mills also remained adamant when Way told him that appropriations desperately needed elsewhere might have to be diverted to pay for any litigation that might result. [24]

Mills envisioned the transportation monopoly as something more than just a threat to his livelihood. What was at stake was the independence of the Park Service itself! According to Way,

Mr. Mills is obsessed with the idea of fighting the concession policy in National Parks. He states that he now sees that the policy is wrong, and that in a short time the corporation that we are protecting will dominate the Park Service. [25]

As a result of the meeting which proceeded the foregoing report, Way became convinced that further attempts at compromise would be folly. "As I see the situation," he wrote, "we are backed up against a wall, and there is nothing to do but to fight." [26] Jitney drivers enlarged the problem by spreading the rumor that driving restrictions had been revoked. [27] Way continued to eject cars, but only on the Fall River Road. The majority of his time was taken up in the jurisdictional end of the controversy.

Though attempting to avoid public notice, Way investigated the legal status of the Park roads. He found that the Fall River Road, extending from the Park's eastern boundary line near Estes Park along the Fall River to Grand Lake, was officially a state road. The state also claimed the stretch between the boundary and the Longs Peak Road, and the road between the county line and Lily Lake. The county roads within the Park included the Highdrive, Moraine Park Cutoff, and the Moraine Park roads. All other roads were listed as private or national park roads.

It is safe to say that Superintendent Way never ceased to doubt the state or county's claim to ownership over many of the roads in the Park. The Park's principal roads were developed forty years before, by state and county workers, over what was then public domain. He believed therefore that no one, state, county, or private property holder, could claim ownership of the land over which the roads were built. Way maintained that the Federal Act of 1866 granting rights of way over the public domain merely gave an easement for a certain use, such as road building, but did not transfer title. [28]

Adding more confusion to this already unclear situation, the Board of County Commissioners of Larimer County resolved on August 19 to transfer their control over the highways in the Park to the federal government. In point of fact the Commissioners only transferred jurisdiction having to do with maintenance and supervision. They could not cede ownership because they did not technically own the roads. [29] H. E. Curran, First Assistant Attorney General for Colorado, advised Way that only by legislative action could the transfer of jurisdiction be legally consummated. [30] Getting the General Assembly to legislate away their jurisdiction would be a feat of no mean proportions.

While Way was thus preoccupied with the status of the roads, Enos Mills filed a complaint against him in the United States District Court of Colorado. He sought to enjoin the superintendent from interfering with the exercise of his "common rights as a citizen of the State of Colorado in traveling over the Park roads." Mills declared that all of the road from which he was debarred were public highways of the state and had existed long before the creation of the National Park. [31]

In his complaint, Mills referred to Section 2 of the act creating the Park, which excepted from federal control

any valid existing claim, location or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or

entryman to the full use and enjoyment of his land.

He also referred to Section 3 which excepted land "held in private, municipal, or state ownership." [32]

At the hearing before the District Court, Assistant United States Attorney Otto Bock argued that Mills was misinterpreting Sections 2 and 3, and he moved that the case be dismissed. Presiding Judge Robert E. Lewis replied that the whole subject of the monopoly was within the exclusive control of the Interior Department and that Mills had no vested rights in the premises. He then dismissed the case, after refusing to allow witnesses to testify in Mills' behalf. [33]

With the close of the hearing and the summer tourist season, the rent car controversy died down. Although Mills and F. O. Stanley continued to oppose the concession, the area's other twenty-six hotel owners gave it their support. The Hotel Men's Association of Estes Park appointed Enos Mills' brother, Joe, to look into the working of the concession and to gather complaints. Although he wrote to every hotel operator in the Estes Park region asking for suggestions or complaints, he received no answers. [34] A visit to Estes Park by National Park Service Director Stephen T. Mather in September was well received by the local residents. [35]

This relatively peaceful interlude was interrupted in January 1920. The concession's opponents dominated a joint meeting of the Commercial Clubs and Chambers of Commerce of Boulder, Lyons, Longmont, Loveland, Greeley, Berthoud, and Fort Collins held at Fort Collins. Although supposedly called at the request of the people of Estes Park, Clem Yore and Fred Lamborn, manager of the Stanley Hotel were the only Village residents to attend. In the principal address, Yore spoke against the transportation monopoly. The delegates then adopted a resolution recommending that their parent organizations protest officially to their congressmen and senators against the monopoly. [36]

Way remained cool toward this development. In one of his more eloquent moments he wrote:

It is obvious that we will continue to have annoying cases of this kind from time to time, due to the fact that there are a few in this section who are actuated by motives of personal gain and interest, who can not see the bigger and broader view of our policy. While this is regrettable, [sic], I can not see why it should have any detrimental effect. There is an old saying that one braying ass will make more noise than a hundred nightingales. We have, perhaps, a dozen braying asses in this country, but the thousands of satisfied people who do not only enjoy but show their appreciation of our work more than compensate for the trouble, and form an incentive for us to pursue our policy of the greatest good to the largest number of people. [37]

Though Way's "braying asses" were few in number they were imaginative, vocal, and verbose. By this time Enos Mills had convinced himself that the transportation company had

become "the political machine of the Director of National Parks." [38] The Denver Field and Farm magazine meanwhile, editorialized on the "devil theory" of Park management.

We are now saddled with a new set of grafters which will be set up to out do all the deviltries that have been perpetrated by the hungry bureaucrats in the hungry forest service. This cunning outfit has commandeered the county roads for its monetary benefit. [39]

Closer to home, the half-dozen members of the Allenspark Commercial Club condemned

the present transportation concession . . . as monopolistic, unnecessary, unjustifiable, unlawful, unjust, unreasonable, undemocratic, un-American, corrupt, vicious and iniquitous; as autocratic favoritism conceived in secrecy; as the incubator of a dangerous political machine; as an invitation and license to exploitation, extortion and blackmail; as an alliance of bureaucratic politicians and profit-grabbing special interests; as an assault upon the people's rights; and as a betrayal of trust by public servants. [40]

To answer these and similar charges, Way shouldered the burden of a one-man "truth squad" as he hurried from commercial club to chamber of commerce and explained Park policies to skeptical audiences. [41] While Way spent valuable time rebutting Mills and debating Yore, the transportation concession actually had little bearing on the volume of tourist travel in the Park. Park visitation was significantly increased from 101,497 visitors in 1918 to 169,492 in 1919. Yet only about fifteen percent of these people made use of the transportation company. The rest, even at this early date, came in their own cars. [42]

As the 1920 summer season began, the jitney drivers renewed their attack on the transportation monopoly. Some were bold enough to advertise openly. L. E. Grace, one of the most militant critics of the concession, posted the following message in the window of his Estes Park jewelry shop.

If you are opposed to concessions in our National Park, step inside and register. Your assistance is required to rid this country of the possibility of the Prussianized control of National playgrounds. [43]

In the local telephone directory he advertised:

Phone 160 for Auto Service Day or Night. We know the roads and places of interest. See the Park in comfort and safety. We furnish you both. Small parties combined for trips. Make reservations with us. Call or telephone and will gladly explain Trips and Rates. The National Park Service Auto Company. Phone 160. Established 1915. L. E. Grace, Mgr. Office with the Gracraft Shop, Op. W.U.Tel. Co. Office. Late Model Cadillac 8's, Chandler 6's, and 5-pass. Touring cars at your service. Only experienced and licensed drivers in charge of cars. [44]

In addition to these notices, L. E. Grace, along with Charles Robbins, erected a large billboard advertising their rent cars at the forks of the road near the old Dunraven Ranch, on the Big Thompson and North St. Vrain entrances to Estes Park village. Robbins also issued cards giving prices for trips to the Fish Hatchery and Fall River Road. [45]

Confronted with this provocation, Way remained cautious but firm with violators. His rangers, however, sometimes fell prey to overexuberance in the carrying out of their orders. On July 13, 1920 an incident occurred that would again involve the Park in litigation. On that afternoon Charles Robbins was stopped by Ranger Dwight S. McDaniel while driving with passengers on the Fall River Road between the Horseshoe Inn and the Fall River Lodge. McDaniel told Robbins that he would not be permitted to travel on the Fall River Road and if he tried it again he would be arrested. Robbins was ejected a second time on the same afternoon.

Seemingly this was just another violation of no real consequence. Way, abiding by advice given him by Acting United States Attorney Day, continued filing information on guilty parties, but for a time did not go to the United States Commissioner. There was good reason for Way's cautious actions. He had heard that Charles Robbins, L. E. Grace, and Enos Mills had sworn out a warrant accusing him of assault and battery to be served whenever he made an arrest of one of their drivers. Way related his problems to Cammerer.

I have endeavored in every way to handle this situation without going to the extreme. I have talked with Robbins on the street, and have received nothing but ridicule. I have also had a conference with Robbins and Grace in this office, and was laughed at and sneered at; and urged to take action. [46]

The initiative was taken, however, by the attorneys for Charles Robbins. On July 17 they brought suit against both Ranger McDaniel and Superintendent Way. A major contention in the suit was that Robbins, as a United States citizen and a resident of Larimer County, was entitled to travel freely "and without molestation" over all the public roads and highways in Colorado. It was charged, furthermore, that McDaniel's actions in ejecting Robbins "were attended by circumstances of insult and a wanton and reckless disregard" for the plaintiff's rights to the amount of \$1,000. [47]

While the lawyers for both sides prepared their cases, jitney drivers circulated rumors that Park officials would not interfere with any rent cars until the determination of the Robbins case. The Park was "flooded" with rent cars. Some drivers, rather than turn back when ordered, tried to run down the rangers. [48] Way instructed his men to continue ejecting the rent cars but not to make any arrests.

On July 24, Cammerer telegraphed Way to post additional rangers at Park entrances immediately. He also ordered Way to keep a close count of all illegal entries into the Park, since each would be counted as a separate and distinct offense in future prosecutions. Warning signs to this effect were to be posted at once in Way's office and at the Park entrances. Even Cammerer's telegram was to be hung at a conspicuous place. [49]

The next day Way called Clem Yore into his office and explained his instructions to him. Yore reportedly told Way that if he carried out his orders there would be trouble. According to him, some of the other rent car owners "were in a killing mood." Later Yore told Way that he had instructed "the boys to go ahead as before but not to use violence." [50]

Way immediately appointed Maye M. Crutcher as temporary ranger with instructions to gather evidence against violators of the monopoly. Armed with high-powered binoculars, Crutcher kept a time-sheet of illegal entries, and recorded six intruders for the period July 25 to July 28. [51] With so many violations, it did not take long for another incident to occur. On the morning of July 26, L. E. Grace drove Mrs. John F. Thomey and Mrs. George W. Howell over the Fall River Road. At about 10:30 a.m., while halfway between the Fish Hatchery and Horseshoe Park, they were stopped by Ranger Lloyd F. McDaniel. According to the ladies, McDaniel jumped upon the running board, grabbed Grace by the neck, and apparently tried to pull him out of the car. Grace managed to stop the car and argued that McDaniel had no right to stop him or anyone else until the Robbins case was decided. At that point McDaniel reportedly shouted, "I'll show you," and again grabbed Grace by the neck, while Grace continued to argue with him "in a legitimate way." [52]

On July 26, a complaint was filed by the ladies with justice of the peace, J. J. Duncan, charging that McDaniel did "willfully choke and assault" L. E. Grace. Before this case could come to trial, though, the Robbins suit reached a decision. The case of Robbins vs. McDaniel and Way was started in a state court, but the United States Attorney, under the direction of the Secretary of the Interior, asked for and was granted a removal to a United States District Court. As soon as this removal was granted, the United States began a suit against Robbins, seeking to enjoin him for disregarding rules laid down by the Secretary of the Interior governing the Park.

In answer to this turn-about, the Robbins' attorneys used a familiar argument. They claimed that the roads used by Robbins in his rent car business were constructed either by the state or by the county. Since the roads were public property they came under the jurisdiction of the state, not the federal government. And the state had never legislated away its jurisdiction to the United States. The title to all the roads in question belonged to the public by reason of the Congressional grant contained in the Act of 1866 to the various states for the construction of highways over the public domain. The "rule" that Robbins supposedly broke was held to be not a regulation but a prohibition of use. Furthermore, the "rule" was called "unreasonable and void" for two reasons. First "autocratic control" was given to the Secretary of the Interior. Second, the government was depriving Robbins of his vested rights, contrary to the due process clauses of the Constitution. [53] Robbins also moved to remand his suit to a state court, contending that no federal question was found in the original complaint. Under such circumstances he held that he had the right to choose his own forum.

Three issues, therefore, confronted District Court Judge Robert E. Lewis at this time: the government's motion to dismiss the Mills case, the motion for remanding of the Robbins vs. Way case and the application made by the government for an injunction against Robbins. After the first two matters were dismissed, Judge Lewis granted an injunction in the case of

United States vs. Robbins. [54] The Court enjoined Robbins

from engaging in the occupation or business of transporting passengers for hire in the Rocky Mountain National Park . . . without then and there having permission from the Director of the National Park Service so to do. [55]

On July 30, 1920, Way happily sent the following telegram to Cammerer.

We won complete victory in Robbins vs. McDaniel and Way. stop. Mills vs. Way. stop. U.S. Govt. vs. Robbins in District Court today. Permanent injunction issued against Robbins his agents etc. this case appealed. stop. other cases held in abeyance until Robbins appeal is settled. [56]

With the Robbins case out of the way, Park officials now turned to the suit against Ranger Lloyd McDaniel. The trial which was held on August 11 at the I. O. O. F. hall has been called variously "a farce" and "a frame-up" by Superintendent Way. The State District Attorney did not question the ranger's right to arrest Grace, but took issue with the manner in which he carried out this right. In defense of his actions, McDaniel charged that Grace was reaching for a gun. Grace countered by saying he was only reaching for the gear lever. [57]

The Court decided that McDaniel used more force than he was officially charged to use, thereby making his action a personal one instead of an official one. [58] He was found guilty of assault and battery and fined \$50.00 and costs. Since McDaniel acted outside of his official capacity, he could not be reimbursed for his fine by the Park Service. The Park's attorneys believed an appeal would be useless, since the evidence against McDaniel was overwhelming. Assistant Director Cammerer concurred, "It seems we are woefully shy on corroborative evidence in this case, and McDaniel will have to take the count." [59]

Way, however, remained unconvinced of McDaniel's guilt.

McDaniel is innocent of any blame in the matter . . . I would stake my life . . . that he did not use undue violence . . . Some of the people here have even gone so far as to say that McDaniel should be promoted for his action. [60]

Cammerer, though sympathetic to McDaniel, pointedly reminded Way that in future confrontations with violators, "Our rangers should at all times keep a cool head." [61]

Way did not remain in office to take part in future controversies. He resigned his position as Park Superintendent on October 24, 1921, to go into the cattle business in Arizona. While superintendent, he had been earnest but sometimes uncommunicative with the townspeople. He was a man beset with new and vexing problems, and he expected to solve them with orders. But such forceful individuals as Enos Mills and F. O. Stanley were not men to be ordered around. Dixie MacCracken recalled later that when Way left Estes Park for the last time in 1921 he did not leave a friend in the town. [62]

Roger W. Toll, Way's successor, assumed the Park superintendency on October 25, 1921. He was a man of far different personality and background from his predecessor. A native Denverite, he was graduated from Columbia University in 1906, with a degree in civil engineering. Following his graduation he, with his brother, Carl, made a round-the-world trip, stopping in Switzerland to hike and climb in the Alps. Returning to Boston he worked for a while in 1907 with the Massachusetts State Board of Health. The following March he reported for duty in Washington, D. C., with the Coast and Geodetic Survey, having passed highest in a class of forty-four who took competitive examinations. He then worked with a surveying party sent out to chart the coastline of Cook Inlet in Alaska. [63]

By the fall of 1908 he had returned to Denver and shortly accepted the post of chief engineer of the Denver City Tramway Company. During World War I he received an appointment as captain in the ordnance department and rose to the rank of major by the time of the Armistice. Visiting the Hawaiian Islands in the spring of 1919, Toll met Stephen T. Mather, National Parks Director. Mather, having heard of Toll's abilities, appointed him superintendent of Mount Rainier National Park. There Toll remained from September of 1919 to October of 1921, when he became superintendent of Rocky Mountain National Park. [64] Toll was to receive a salary of \$3,000 per year "and quarters when available." [65]

Toll was an excellent public relations man—considerate, honest and extremely knowledgeable. It was claimed that those who knew him loved him. One newspaper described him as "a veritable Orval Overall in build, and the best of it all is, he possesses heart and spirit to match his splendid physique." [66] These attributes were to be sternly tested in the days ahead, as the next chapter will show.

ENDNOTES

1. Estes Park Trail, January 8, 1937.
2. Author's interview with R. T. "Dixie" MacCracken, July 3, 1963.
3. Ibid.
4. Ibid.
5. Ibid.
6. Author's interview with Fred McLaren, June 29, 1964.
7. "National Park System (United States)" Collier's Encyclopedia, 8th ed., XVII, p. 171.
8. Returning to Estes Park after World War I, MacCracken found Superintendent Way still

in charge of the Park and he decided against taking up his old post as ranger. Though he never again joined the National Park Service he stayed close to the Park and later recalled, "I just had to see a pine tree growing somewhere." Author's interview with R. T. "Dixie" MacCracken, July 3, 1963.

9. Author's interview with James Grafton Rogers, July 12, 1966.

10. Author's interview with Esther B. Mills (Mrs. Enos Mills), July 17, 1963. For a critical view of the transportation monopoly see: Hildegard Hawthorne and Esther Burnell Mills, Enos Mills of the Rockies (Boston 1935), pp. 223-51.

11. Author's interview with Charles Hix, July 17, 1963. "Charlie" Hix, an early Estes Park resident and then President of the Bank, remembered that most of the local residents did not dispute the Government's right to grant a monopoly.

12. Superintendent's Monthly Report, June 1919, "Monthly Reports, 1919-1923," p. 5. Rocky Mountain National Park Library.

13. Letter of Enos Mills to Roe Emery, August 8, 1919, Mills vs. Way correspondence; also letter of Enos Mills to L. C. Way, August 14, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.

14. Letter of L. C. Way to Director of National Park Service, September 9, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.

15. Ibid., August 16, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.

16. Ibid.

17. Ibid.

18. Ibid.

19. Telegram of Arno B. Cammerer to L. C. Way, August 18, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.

20. Letter of L. C. Way to Enos Mills, August 18, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.

21. Telegram of L. C. Way to Director of National Park Service, August 25, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.

22. Letter of Arno B. Cammerer to L. C. Way, August 26, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.

23. Letter of L. C. Way to Director of National Park Service, August 28, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.
24. Ibid.
25. Ibid.
26. Ibid.
27. Letter of L. C. Way to Director of National Park Service, September 1, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.
28. Ibid., September 27, 1919, Mills vs. Way correspondence, Rocky Mountain National Park Library.
29. Minutes of the Larimer County Commissioners Proceedings of August 19, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library. The Resolution read:
- Be It Resolved, That the Board of County Commissioners of the County of Larimer . . . do hereby release, relinquish, and transfer unto the United States Government and to the Department thereof, having control of the national parks and the highways therein, the control, management, maintenance and supervision now exercised by said Board of the public highways located and situated within the boundaries of the Rocky Mountain National Park with the exception, however, of . . . the Fall River Road, which is now in process of construction, and upon the completion thereof it shall pass to the United States Government, as in this respect provided.
30. Letter of L. C. Way to Director of National Park Service, September 1, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.
31. Paul W. Lee, "Litigation Concerning the Rocky Mountain National Park," in Mills, Rocky Mountain National Park, pp. 230-231.
32. Ibid., pp. 231-32.
33. Letter of L. C. Way to Director of National Park Service, September 9, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.
34. Memo by L. C. Way, October 29, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.
35. Letter of L. C. Way to Director of National Park Service, September 9, 1919, Mills vs. Way correspondence. Rocky Mountain National Park Library.
36. Superintendent's Monthly Report, January 1920, "Monthly Reports, 1919-1923," pp. 1-

2. Rocky Mountain National Park Library.

37. Ibid., pp. 3-4.

38. Letter of Enos Mills to Senator Reed Smoot, April 23, 1920. Mills vs. Way correspondence. Rocky Mountain National Park Library.

39. Editorial, Denver Field and Farm, May 22, 1920.

40. Longmont Call, March 24, 1920.

41. Superintendent's Monthly Report, March 31, 1920, "Monthly Reports, 1919-1923," p. 4. Rocky Mountain National Park Library.

42. Letter of Arno B. Cammerer to Senator Reed Smoot, May 4, 1920, Mills vs. Way correspondence. Rocky Mountain National Park Library.

43. Report of Ranger Maye M. Crutcher, July 17, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library. This and other correspondence relating to the litigation in the Robbins vs. McDaniel and Way case is loosely accumulated on library shelves at Rocky Mountain National Park. None of this correspondence, as yet, has been adequately catalogued. For the convenience of the reader material relating to this lawsuit will be referred to as "Robbins vs. McDaniel correspondence."

44. Memo, no date, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

45. Letter of L. C. Way to Director of National Park Service, July 17, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

46. Ibid.

47. "Complaint," Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

48. Report by Ranger Maye M. Crutcher, July 22, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

49. Telegram of Arno B. Cammerer to L. C. Way, July 24, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library. With reference to the authority to prosecute, Cammerer referred Way to section 3 of the National Park Service Act which reads:

that the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service and any violations

authorized by this act shall be punished as provided for in section 50 of the act entitled 'An Act to Modify and Amend the Penal Law of the United States' approved March 4, 1909 as amended by section 6 of the act of June 25, 1910.

50. Memorandum by L. C. Way, July 25, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

51. Report by Ranger Maye M. Crutcher, July 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

52. "Statement by Mrs. John P. Thomey and Mrs. George W. Howell to J. A. Shepherd, Clerk," July 26, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library. There is some confusion concerning the identity of the McDaniel in this complaint. The personnel records in Rocky Mountain National Park Library list one ranger McDaniel, not two. Therefore it is possible that Dwight W. McDaniel and Lloyd F. McDaniel were one and the same.

53. Lee, "Litigation," in Mills, Rocky Mountain National Park, pp. 233-34.

54. Ibid.

55. Telegram of L. C. Way to Director of National Park Service, July 30, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

56. Ibid.

57. Letter of L. C. Way to Director of National Park Service, August 11, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

58. Letter of Arno B. Cammerer to L. C. Way, August 13, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library. Grace, however, did not suffer serious physical or psychological harm from the encounter. He was back in the Park, illegally on July 28, two days after the incident occurred.

59. Ibid., August 16, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

60. Letter of L. C. Way to Director of National Park Service, August 11, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

61. Letter of Arno B. Cammerer to L. C. Way, August 16, 1920, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

62. Author's interview with R. T. "Dixie" MacCracken, July 3, 1963.

63. B. C. Barnard, "Roger W. Toll," Trail and Timberline, March-April 1936, p. 13.

64. Ibid.

65. Letter of George E. Scott, Chief, Division of Appointment, Mails and Files to Roger W. Toll, March 26, 1924, Robbins vs. McDaniel correspondence. Rocky Mountain National Park Library.

66. Stockton (California) Record, January 12, 1924.